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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,580	01/09/2002	Timothy C. Loose	47079-0130	6596

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EXAMINER	
COBURN, CORBETT B	

ART UNIT	PAPER NUMBER
3714	4

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Appli ation No.	Applicant(s)	
	10/042,580	LOOSE, TIMOTHY C.	
	Examiner	Art Unit	
	Corbett B. Coburn	3714	

-- The MAILING DATE of this communication app ars on the cover sheet with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 December 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7-15, 17 & 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Gomez et al. (US Publication Number 2002/0160826).

Claims 1 & 11: Gomez teaches a method of generating display indicia on a gaming machine in synchronization with an adjacent gaming machine. (Paragraphs 0007 & 0009) The gaming machine includes a display (12a-n). Gomez describes the gaming machine giving a signal indicating that a predetermined event has occurred. (Paragraph 0008) Thus Gomez's machine inherently has an emitter. Since the signal must be received in order to be acted upon, Gomez's machine must also inherently have a sensor. Gomez teaches that the machines may be linked together (paragraph 0012) in a peer-to-peer network. In that embodiment, each machine must detect the first signal from the adjacent machine at the sensor and in response to the first signal, generate the display indicia on the display and emit a second signal from the emitter. (Paragraph 0006)

Gomez teaches gaming machines lined up in a row. (Fig 1) Gomez also teaches that any suitable network – including serial daisy chain, may link the gaming machines. In a serial daisy chain network, the sensor of one machine is connected directly to the

emitter of the adjacent machine. Furthermore, since the gaming machines are placed side-by-side, the sensor must be positioned proximal to (i.e., close to) the emitter of the adjacent gaming machine.

Claims 2, 4, 12 & 14: Gomez teaches detecting a game-related event in a game executed on the machine and in response to the game-related event, emitting the second signal from the emitter. I.e., a bonus condition may start the display of attraction mechanisms where each machine signals its neighbor to start the display. (Paragraph 0008)

Claims 3 & 13: Gomez teaches generating other display indicia on the display in response to the game-related event. I.e., the bonus condition causes the attraction mechanism display.

Claims 5 & 15: Gomez teaches that the display may include a plurality of lamps that may sequentially flash. (Paragraphs 0014, 0007, 0022) The display of a message in a dot-matrix display would cause the lamps to sequentially flash.

Claims 7 & 17: Gomez teaches that the display may include a video display, and the step of generating the display indicia may include displaying an image of a moving object. (Paragraph 0035)

Claims 8 & 18: Gomez teaches signals being emitted from each gaming machine to an adjacent machine. (Paragraph 0012) Thus, the first signal from the adjacent machine is emitted from an emitter on the adjacent machine. Since the sensor is on the machine receiving the signal from the adjacent machine, the sensor must be proximate to (i.e., close to or adjacent to) the emitter on the adjacent machine.

Claim 9: Claim 9 is a combination of claims 1 & 8 above, which see.

Claim 10: Gomez teaches a row of n machines. (Fig 1) Each machine detects a signal from the adjacent machine, displays the attraction feature, and propagates the signal down the chain. (Paragraphs 0006-0012) Thus Gomez teaches detecting the second signal at a sensor on a third of the machines adjacent to the second of the machines, the sensor on the third of the machines being proximate to the emitter on the second of the machines; and in response to detecting the second signal, generating display indicia on the display of the third of the machines.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 6 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gomez as applied to claims 1 or 11 above, and further in view of Pease et al. (US Patent Number 5,759,102).

Claims 6 & 16: Gomez teaches the invention substantially as claimed. Gomez teaches a peer-to-peer network (paragraph 0012), but does not teach the physical aspects of the network – i.e., how it communicates. Pease teaches a wireless, infrared network. (Col 4, 12-23) An infrared network uses light (infrared) signals emitted by a light source and detected by photo sensors. Infrared networks are well known to the art. They allow communications between devices without wires. This increases the flexibility of the network's physical configuration. It would have been obvious to one of ordinary skill in

the art to have used the teaching of Pease to implement an infrared network (with light signals emitted by a light source and detected by photo sensors) connecting gaming machines as described in Gomez in order to increase the flexibility of the network's physical layout.

Response to Arguments

5. Applicant's arguments filed 29 December 20903 have been fully considered but they are not persuasive.

6. Applicant argues that Gomez fails to inherently disclose emitters and sensors. Applicant is mistaken. Gomez clearly discloses a signal from a gaming machine that starts the bonus display. Signals have to come from somewhere. The part of the gaming machine that generates this signal is an emitter – so called because it emits the signal. Gomez also describes actions taken in response to the reception of the signal. Something has to receive the signal. The part of the gaming machine that receives this signal is a sensor – so called because it senses the signal. Clearly if Gomez teaches the emission and sensing of a signal, then Gomez must include an emitter and a sensor.

7. Applicant's argument that the sensor and emitters are not positioned proximal to each other on adjacent machines is based on an incomplete reading of the reference. See the rejection of claims 1 & 11. Furthermore, Pease teaches an infrared network that is structurally equivalent to the network described in Applicant's specification.

8. Applicant's contention that Gomez's invention is different from the invention described in Applicant's specification is immaterial. Applicant's *claims* are being examined. Gomez

meets the limitations of the claims. Should Applicant wish to distinguish over Gomez, Applicant should further limit the claims to describe the outcomes described in the present application.

9. Applicant states that Gomez fails to teach a plurality of lamps. Paragraph 14 describes a laser projection device for each gaming machine. A laser projection device is a lamp. Paragraph 7 describes a message board (i.e., a lighted display) continued from machine to machine. The message board is a plurality of lamps. Paragraph 22 describes a light show. The light must come from somewhere. Anything that emits light is a lamp.

10. Applicant argues that 102(e) references may not be used as part of a 103 rejection. MPEP §2141.01 clearly states that any reference available under 35 USC §102 is available for use under 35 USC §103. This includes a published application usable under 35 USC §102(e).

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cbc

JESSICA HARRISON
PRIMARY EXAMINER